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| 09/445,043 | 03/20/2000 | IAN BAIRD-SMITH | 350013-65 | 9395 |

34205 7590 12/04/2009
OPPENHEIMER WOLFF & DONNELLY LLP
45 SOUTH SEVENTH STREET, SUITE 3300
MINNEAPOLIS, MN 55402

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| EXAMINER |
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HYLTON, ROBIN ANNETTE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: IAN BAIRD-SMITH, ANDREAS ZIEGLER,
REINHART GEISLER and WERNER HAMMON

Application No. 09/445,043
Technology Center 3700

Mailed: December 4, 2009

Before TOI JOHNSON *Review Paralegal*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on December 2, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

RESPONSE TO NOTIFICATION OF
NON-COMPLIANT APPEAL BRIEF

Appellants filed a Response to Notification of Non-Compliant Appeal Brief dated July 15, 2009. There is no indication on the record that the Examiner has considered the above Appeal Brief.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) consider the Appeal Brief filed July 15, 2009 as required; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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